

ATTACHMENT 29

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: PROCESSED EGG PRODUCTS: MDL NO. 2002
ANTITRUST LITIGATION 08-MDL-02002

PHILADELPHIA, PA

DECEMBER 2, 2019

BEFORE: THE HONORABLE GENE E.K. PRATTER, J.

TRANSCRIPT OF TRIAL PROCEEDINGS

DAY 18

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(Transcript produced by mechanical shorthand via C.A.T.)

203

1 THE COURT: Okay, you all may take your seats. I'm
 2 watching Mr. Coyle and each time he comes back with you guys,
 3 he's working very hard not to be laughing or smiling. I can
 4 tell, he's really holding it in.
 5 Okay, the Defense may proceed.
 6 MR. LEVINE: One housekeeping matter.
 7 THE COURT: Yes.
 8 MR. LEVINE: Apologies for not bringing it up. I
 9 believe the Plaintiffs have rested in total.
 10 MR. BLECHMAN: Yes, Your Honor.
 11 THE COURT: Yes.
 12 MR. LEVINE: So we will later make a --
 13 THE COURT: Fair enough.
 14 MR. LEVINE: Rose Acre calls David Hurd.
 15 THE COURT: Okay, come on up.
 16 THE DEPUTY CLERK: Please remain standing and raise
 17 your right hand.
 18 (Witness sworn.)
 19 THE WITNESS: I do.
 20 THE DEPUTY CLERK: Could you please have a seat.
 21 Please state your full name and spell your last name for the
 22 record.
 23 THE WITNESS: David Stoddard Hurd, H-U-R-D.
 24 THE COURT: Okay, Mr. Hurd, how does it look from
 25 here --

204

1 THE WITNESS: It looks --
 2 THE COURT: -- as opposed to from there? Just make
 3 sure you're equally comfortable.
 4 And you may proceed, Mr. Levine.
 5 DAVID S. HURD,
 6 called as a witness herein by the Defendants, having been
 7 first duly sworn, was examined and testified as follows:
 8 DIRECT EXAMINATION
 9 BY MR. LEVINE:
 10 Q. Good afternoon, Mr. Hurd.
 11 A. Good afternoon.
 12 Q. Can you tell the jury by whom you are employed?
 13 A. Rose Acre Farms.
 14 Q. And what is your current title?
 15 A. I am the vice president in charge of live production.
 16 Q. We'll get into that a little bit more, but just "live
 17 production" is not a term you hear often. Can you just
 18 explain to the jury what that means?
 19 A. All of the areas of our company that have live birds,
 20 from our breeder farm, hatchery, pullet grow-out to layer
 21 farms.
 22 Q. And all of that is under your purview?
 23 A. Yes.
 24 Q. And could you briefly describe your educational
 25 experience for the jury?

205

1 A. I graduated in 1986 from Purdue University in Indiana
 2 with a degree of animal -- bachelor's degree in animal
 3 science.
 4 Q. And after you graduated from Purdue, what did you do?
 5 A. In May of '86, I started with Rose Acre Farms.
 6 Q. And have you been there continuously since?
 7 A. Yes.
 8 Q. And what did you start out as? What was your first
 9 position at Rose Acre?
 10 A. My first position was as a production manager trainee, so
 11 I spent time in the various live production departments from
 12 breeder farm, hatchery, pullet farms, where we -- handfeeding
 13 crew, replaced baby chicks, vaccinated the birds, beak
 14 trimmed, layer farms on the moving crews, and running layer
 15 houses.
 16 Q. And where were you doing this, this training program?
 17 A. It started off in Seymour, Indiana. It's about an hour
 18 south of Indianapolis. And then within less than a year I
 19 moved up to northern Indiana. We had some farms up in that
 20 location.
 21 Q. And did you continue in your position as a manager
 22 trainee?
 23 A. Yes.
 24 Q. And how long were you in that training program for?
 25 A. Um, when I moved up to northern Indiana, I was made a

206

1 layer house farm manager, so I had two houses I was
 2 responsible for. And I was in that position for about a year,
 3 and then became an administrative assistant working with
 4 Sylvia Dropchek and reporting to her through David Rust, the
 5 owner and founder.
 6 Q. Okay. And just -- what were you doing as a layer house
 7 manager? I mean --
 8 A. So the birds are housed in cages. Every day we'd come
 9 in, we'd check the feed, water, and air, make sure everything
 10 went well the night before, and we'd do the daily routine
 11 making sure the birds were being fed properly, that the eggs
 12 are being collected correctly and getting them ready for the
 13 night cycle.
 14 Q. And were there more than two houses on that farm?
 15 A. On that farm, there were 12 houses at Newton County Egg
 16 Farm in Burke, Indiana.
 17 Q. And you were only responsible for two?
 18 A. Yes.
 19 Q. Does that mean there were other layer house managers?
 20 A. Yes, yes.
 21 Q. And when you moved to being an administrative assistant
 22 what kind of duties were you doing at that point?
 23 A. Then I was -- it was before we had complex managers, we
 24 had one main responsible person on a farm site, so we had
 25 department heads. So I was acting as the liaison, so to

207

1 speak, for the northern farms coming down to Seymour, Indiana
2 once a week to report on what was going on, hearing about any
3 concerns or issues that corporate had to go back up to the
4 farms the following week to work on.

5 Q. And at what point did you become an administrative
6 assistant?

7 A. That would have been probably 1988, so about two years
8 into my training.

9 Q. Okay. And how long did you stay in that position?

10 A. Until about 1989, and then I was promoted to be vice
11 president of our breeder hatchery and pullet farm, part of our
12 live production department.

13 Q. Okay. And where were those facilities, the breeder
14 hatchery?

15 A. In Indiana, in Seymour.

16 Q. That was all in southern Indiana?

17 A. The hatcheries and the breeder farms were. We had pullet
18 farms located wherever our layer farm capacity is. So spread
19 out in the different locations.

20 Q. Okay, and at that point, how long did you stay in the
21 position of VP of pullets, hatchery, and breeder farms?

22 A. Until about 2013 where I took on my -- my current role.

23 Q. Okay. And what is your main goal or what do you see as
24 your mission as a VP of live production?

25 A. It's ever changing, but the biggest part of what I try to

208

1 do every day is work with our different farms on the
2 production side. A big component of what we do is -- is
3 producing eggs and doing it as efficiently as we can. So
4 there's a long logistical process that happens with not just
5 myself but with a crew of people to make sure that we have
6 fertilized eggs on time, that hatch into day-old baby chicks
7 on time, that fill up pullet growing cages that then can be
8 moving to laying flock farms so that eggs will be produced in
9 a continuous year-round manner.

10 Q. Okay, we'll get into the production --

11 A. Yes.

12 Q. -- sort of stages in a bit.

13 And did you have any other responsibilities at Rose
14 Acre Farms in terms of management, executive committees or
15 Board of Directors?

16 A. I was on the Rose Acre Farms' Board of Directors from
17 1996 to about 2004, and then again from 2012 to 2015.

18 Q. And about how many employees report to you?

19 A. Um, about half of our employees work in the live
20 production department, so it's around 1,000 employees that are
21 in the live production department.

22 Q. And how many direct reports do you have?

23 A. Maybe eight or nine.

24 Q. And what level are they?

25 A. They would be director of production that works with the

209

1 laying flocks, feed mill quality personnel, kind of a midlevel
2 management-type positions.

3 Q. Okay. Now, whether in this trial or otherwise, have you
4 ever heard the term "vertically integrated" as it applied to
5 an egg producer?

6 A. Yes.

7 Q. Okay, do you have an understanding whether Rose Acre
8 itself -- considers itself a vertically integrated producer?

9 A. Yes, we do.

10 Q. And can you explain to the jury what that means.

11 A. If you're a smaller producer and just have some laying
12 chickens, you may not have the ability to grow your own
13 replacement pullets. So you could go out and buy them on
14 contract from somebody. If you had your pullet farms, you
15 could go out and buy day-old baby chicks to hatch to grow in
16 your pullet farms. You would buy feed if you didn't have your
17 own feed mills. So being vertically integrated means we are
18 trying to do all of the steps of the production as much as we
19 can to have ultimate control over our quality and
20 efficiencies.

21 Q. And why is it important to Rose Acre to have that control
22 over all of the stages of production?

23 A. Well, as I was mentioning before, the logistic part of
24 the job is very -- um, we're looking out, you know, a year and
25 a half, two years, to what we have, when we know they need to

210

1 be replaced and we want to make sure that we have some control
2 over that, that we're not being kicked out of a schedule
3 because somebody else had a chick delivery ahead of ours or
4 pullet growing opportunity, things of that nature. Plus it
5 helps us control our costs, so...

6 Q. Okay. Do you remember seeing during the opening a
7 demonstrative on egg production?

8 A. Yes.

9 MR. LEVINE: Could we bring up the demonstrative on
10 egg production?

11 BY MR. LEVINE:

12 Q. And do you see in the upper left-hand corner it says --
13 I'll tell you in a sec what it says.

14 Raising breeder flocks.

15 A. Yes, I do.

16 Q. Okay, can you explain to the jury what that means.

17 A. So we do not do genetic research for the type of leghorn
18 laying chicken that we use. We buy that as a day-old baby
19 chick. So we're buying females and then males. And then as
20 they grow in our pullet growing opportunity for -- or farms,
21 for the breeder farm, they get to become sexually mature and
22 then we move them to our breeder farm where they stay until
23 about 70 weeks of age where males and females can interact and
24 we get fertile eggs.

25 Q. Okay, and the breeder farms are separate from your laying

1 farms?

2 A. Yes.

3 Q. Okay, so this is simply just to produce --

4 A. Fertilized eggs.

5 Q. -- fertilized eggs, okay. And then you want those

6 fertilized eggs in order to do what?

7 A. Well, then based on the size of the housing needs we have

8 on each week, we have a schedule for how many egg -- hatching

9 eggs that we're going to collect and put into incubators,

10 which it takes 21 eggs to -- 21 days to take an egg from set

11 to hatch. And then we time how many eggs -- I mean, how many

12 chicks are going to be hatching and then delivery and that

13 part of the pipeline.

14 Q. And is the hatching facility connected to the breeder

15 farm?

16 A. No, it's offsite. So the eggs are collected every three

17 or four days -- daily they're collected down into the cooler

18 onsite, and then every three to four days they're brought over

19 to the hatchery for that cooler for staging.

20 Q. Okay, how long can it stay at the hatchery before it

21 needs to hatch?

22 A. We really like to try to have the eggs no older than ten

23 days. We have done some things where we can hold them until

24 about two weeks, but the quality doesn't quite last the longer

25 you hold that egg. But basically you're holding it at a

1 we do not use the males. They are beak trimmed at our

2 hatchery, given a vaccination shot. They're boxed and put on

3 environmentally controlled trailers where they're taken to

4 whatever state we have in the pipeline as next to fill.

5 Q. How far can they travel?

6 A. We have two drivers on it. So we're taking from Indiana

7 to the coast of North Carolina, that's about our comfort

8 level. So, you know, 16, 17-hour trip.

9 Q. And what about your farm in Arizona and the like?

10 A. That one's a little bit outside of our comfort level of

11 taking day-old baby chicks. We're actually, for that

12 particular farm, buying in from an outside hatchery that's

13 closer.

14 Q. And then once the -- once the young chicks are delivered

15 to whichever facility you need them, what happens then?

16 A. Um, they're -- they're placed in cages. We show them

17 feed and water, we supervise that process for the first

18 several days, very intently, because we want to make sure they

19 find feed and water, and then they're grown out to 16 weeks of

20 age. During that pullet grow-out cycle, we're giving them

21 other vaccinations, poultry vaccinations that we feel are

22 important for their -- for their long-term health.

23 Q. And just to be clear -- by the way, these pictures that

24 are being shown on the demonstrative, are these pictures of

25 actual Rose Acre facilities?

1 temperature where you stabilize the fertilization where it

2 doesn't go any further until you put it into the warm

3 incubators and start that process.

4 Q. Okay. And then once you start the warming process, what

5 happens then?

6 A. It's about 18 days that it's in an incubator tray where

7 we're supplying heat and humidity, and it's rotating, and then

8 that last three days they begin the hatching process. So

9 they're moved from the center to a hatcher, into a hatch tray,

10 where they're allowed to hatch out.

11 Q. Okay. How many breeder farms does Rose Acre have right

12 now?

13 A. Um, four.

14 Q. And how many did they have when you started with them?

15 A. Two.

16 Q. Okay, and how many hatching facilities do they have?

17 A. One.

18 Q. Okay, and where is that?

19 A. They're all located in Seymour, Indiana.

20 Q. Okay, so all of the -- all of the eggs from the breeder

21 farms are collected and sent to this one hatchery?

22 A. Yes.

23 Q. Okay. And once the -- once the eggs are hatched, what

24 happens then?

25 A. The day-of-age chicks are processed. We use the females,

1 A. Yes.

2 Q. And what facility is this picture from?

3 A. That one, I think, is from our Lone Cactus, Arizona

4 facility. It's a standard pullet cage that we have for

5 starting chicks.

6 Q. And can you tell from 1 and 2 where they're taken from?

7 A. 1 is our Storm Creek facility and 2 is our hatchery.

8 Q. And again, your hatchery's in Seymour?

9 A. Seymour, Indiana, yes.

10 Q. Now, how often do you purchase breeding stock in order to

11 start this entire process?

12 A. We get about two times a year that we purchase day-of-age

13 parent stock.

14 Q. And you said you have four breeder farms now?

15 A. Yes.

16 Q. And they're all in northern Indiana?

17 A. No.

18 Q. I'm sorry.

19 A. Around the hatchery in Seymour.

20 Q. In Seymour, okay.

21 Okay, so we're now at the pullet and they're grown

22 out to about 17 weeks?

23 A. Yes.

24 Q. What's at 17 weeks?

25 A. That's when a young chicken starts becoming sexually

215

1 mature, and you -- she's ready for the laying process. Prior
 2 to that, you can't get her to lay eggs.
 3 Q. So pullets don't really lay eggs?
 4 A. No, they don't lay eggs.
 5 Q. So at 17 weeks that's when they start to have production?
 6 A. Yes.
 7 Q. And how long does a hen lay eggs for? We've heard a lot
 8 of different metrics.
 9 A. Yeah, depending on the genetics of the bird and whether
 10 we're going to molt that flock to extend its life cycle.
 11 Typically we're right around 80 weeks of age on a single-cycle
 12 flock and about 115 weeks if we molt and extend the life.
 13 Q. And single cycle meaning?
 14 A. Not molted.
 15 Q. Okay. And the molt we'll get to, but if you do a molt it
 16 will extend the hen's life until what?
 17 A. About 115, usually, you know, whatever age we molt, it's
 18 in that 40 weeks more of production that you can add on to her
 19 lifespan.
 20 Q. Now, in terms of -- you talked about this being sort of
 21 a -- or you intimated this is a scheduled -- there's a lot of
 22 scheduling that goes on in this production process. How long
 23 is the planning process for Rose Acre Farms?
 24 A. Well, I mean, it's like I was saying earlier, about a
 25 year and a half, two years. We're looking at what's currently

216

1 in our housing today, when they're going to become of age and
 2 stepping back to make sure that we have all of those other
 3 steps lined up, from the size of the houses to know what size
 4 pullet flock you need to grow, to know how many chicks you
 5 want to hatch on a certain day to how many eggs you need to be
 6 collecting and batching together at the breeder farm site.
 7 Q. How do you know how many eggs you're going to want in a
 8 year and a half or two years?
 9 A. For hatching eggs? Well, we have trends of knowing how
 10 many chicks hatch over time. We know our liveability rates of
 11 what we should expect during a pullet grow-out cycle. And
 12 those are our targets that we shoot for.
 13 Q. And how do you know how many -- ultimately how many hens
 14 you need in a year and a half, you know, to supply your
 15 customers in a year and a half?
 16 A. I -- I work on filling the layer houses up to capacity.
 17 I'm not sure what our customers need in a year and a half.
 18 So...
 19 Q. Does -- well, let me ask you: Does sales at all factor
 20 into -- you know, do you discuss the matter with sales to
 21 determine what the demand might be in a year and a half or two
 22 years?
 23 A. Well, yes, and specifically, especially on the specialty
 24 egg side of it, because some of those are dedicated feed that
 25 we feed the chickens or the style of housing that we put them

217

1 in, and we need to know upfront what sales projections are to
 2 make sure that as we're filling the hatchers and pullet farms,
 3 that we've got the right amount of birds destined for the
 4 right area.
 5 Q. Okay. And what would happen if there's a disruption in
 6 that schedule?
 7 A. It's -- it's -- it's hard to deal with at times. We
 8 figure out a way. When you look at a laying flock, if you
 9 wanted to lay when it moves out, well, we already have a
 10 pullet flock growing to be its replacement, and we might be
 11 able to handle a week's delay, but those pullets are going to
 12 lay eggs at 18 weeks and the pullet farms are not set up to
 13 handle eggs. So we would lose egg capacity at the pullet farm
 14 site.
 15 Pullets don't move on time. We have chicks 21 days
 16 before that we've already put in the hatcheries -- into the
 17 hatchers and they're going to be hatching and they have to
 18 have a place to have feed and water, day one. We can't just
 19 hold them for a week waiting on an opening in our schedule.
 20 And then also, back to the breeder farm schedule, if
 21 we're not ordering the right amount of breeders that would lay
 22 the right amount of fertile eggs and we come up short, then
 23 we're going to have to buy day-of-age baby chicks on the
 24 outside market and try to see if we can source those.
 25 Q. And do you ever like to have empty facilities?

218

1 A. No.
 2 Q. Why not?
 3 A. It's -- it's kind of a visual representation that we're
 4 not doing our job quite right with the logistic part, and the
 5 amount of dozens that we can produce in production and give to
 6 processing just helps lower all of our overall production
 7 costs or costs of production.
 8 Q. So if a facility is empty, does that add to Rose
 9 Acre's cost?
 10 A. Yes. There are fixed costs that happen in an empty house
 11 not producing any eggs.
 12 Q. And I bet management's not happy if that happens?
 13 A. No. No.
 14 Q. Okay. And you're responsible for that, correct?
 15 A. Yes.
 16 Q. Okay. You look happy. Let me turn to a little bit
 17 different of a subject.
 18 What are the different ways in which hens are kept
 19 at Rose Acre Farms? And here I'm really referring to the
 20 laying hens.
 21 A. The majority of our hens are in commercial cages. We
 22 have some that are in aviary cage-free setup, and we have some
 23 small amount of free-range.
 24 Q. What is the difference between cage-free and free-range?
 25 A. Cage-free would be where a bird has an opportunity inside

219

1 a structure to pick and choose wherever it wants to go. We
 2 kind of restrict that area so that it's not, you know,
 3 600 feet that they're looking at, more in 50-foot sections.
 4 Free-range would be the same indoor setup but then are also
 5 allowed to go outside for periods of the day.
 6 Q. And why do you offer free-range products?
 7 A. We had some customers that would like to have a
 8 free-range product.
 9 Q. And why do you offer cage-free products?
 10 A. We have customers that also want cage-free products.
 11 Q. And how much of Rose Acre's production is represented by
 12 hens in cages?
 13 A. We're approximately, capacity-wise, around 25 million,
 14 26 million laying hens total. About a little over 4 million
 15 of that is in cage-free production.
 16 Q. And how much is in free-range?
 17 A. About 100,000.
 18 Q. Oh, okay. Not a great demand?
 19 A. No.
 20 Q. Okay. So the rest, 20, 21 million are in cages?
 21 A. Yes.
 22 Q. Okay. And when did Rose Acre start cage-free production?
 23 A. Well, Rose Acre started off as a cage-free producer and
 24 then went to cages. But our current growth in cage-free
 25 probably started back around 2012. We've always had some

220

1 smaller cage-free flocks even before that.
 2 Q. Let me ask you, you said you started as a cage-free
 3 producer. When -- when were they a cage-free producer the
 4 first time?
 5 A. Well, Lois and David started the farm back in the late
 6 '50s. I think they became a company in '64. They started off
 7 with cage-free flocks and then developed -- they were there
 8 through the wave of the commercial cage implementation that
 9 the industry went through and grew from there.
 10 Q. And when did that wave start about cage production?
 11 A. Mid-'70s, before my time.
 12 Q. Okay. And you said that around 2012 -- you've always had
 13 some cage-free production; is that correct?
 14 A. Yes. Yes.
 15 Q. But it started to take off?
 16 A. Yeah. We had smaller, 10-, 13,000 bird flocks, and then
 17 in around 2012, we had some opportunities to do some larger
 18 aviary housing and flock sizes were, you know, about 180,000
 19 birds to a cage-free flock.
 20 Q. And do you have an understanding why Rose Acre started
 21 engaging in cage-free production at that point?
 22 A. Customers were asking more. It's more of the talk out
 23 and about what -- what customers were wanting.
 24 Q. Okay. Were there any other factors impacting your desire
 25 to grow in cage-free production?

221

1 A. Customer demands was the biggest -- the biggest part of
 2 it. We wanted to be able to address cage-free without going
 3 back to the problems that the Rust family's experienced when
 4 they first started off the business. And so a lot of what
 5 we've done lately is tried to design aviary housing that
 6 better addresses not only bird behavior, but makes it a little
 7 bit easier for the people that have to manage and care for the
 8 birds.
 9 Q. What were some of the problems that they experienced the
 10 first time they had cage-free production?
 11 A. Um, on the floor, there's wood shavings put down. It's
 12 called litter. It mixes with manure; it gets caked up. You
 13 have to manage it. You have to watch for things that scare
 14 birds that cause them to pile. There's pecking issues.
 15 There's, you know, a larger group of birds that interact with
 16 each other. So you have more negative and positive and social
 17 interactions that can happen.
 18 Q. You said a term that's probably not relevant to this case
 19 but what does it mean, "pile"?
 20 A. When birds get scared, they run to the nearest corner
 21 wall and pile up on top of each other and they can suffocate.
 22 Q. I gather that's not good for them?
 23 A. No.
 24 Q. Okay. Okay. Now, so you've been around since 1986 in
 25 terms of egg production, correct?

222

1 A. Correct.
 2 Q. Can you give us just some idea of some of the differences
 3 you see between the 1990s and maybe the 2000s in terms of egg
 4 production?
 5 A. Um, the genetics have certainly changed over time. When
 6 I started in '86, the birds had a little bit of a higher
 7 mortality rate. So when we buy birds of a different strain,
 8 we were given manuals from the breed companies. They compile
 9 a lot of data to look at, what's a normal mortality rate per
 10 day, per week, per the life cycle you choose.
 11 So we're always looking to see that we're trying to
 12 maintain those levels or improve upon them. I think back in
 13 the late '80s, early '90s, we had a little bit of a higher
 14 mortality rate with the breed of bird that we had at the time
 15 and a little bit less feed efficient. So we had to put a lot
 16 more feed in front of the chickens to get a certain number of
 17 eggs and today -- today those efficiencies have definitely
 18 increased. We've got a different breed selection choices that
 19 we can do now that lay at a higher rate of lay.
 20 Q. And what about in the regulatory scheme, has that changed
 21 between the '90s and the 2000s?
 22 A. Yes. In the 1990s, you know, obviously we had certain
 23 state and issues to build houses and to house chickens. Later
 24 on, different regulatory, especially at the federal level. We
 25 now have an egg safety rule we need to follow where we're

1 monitoring volumes for Salmonella. We have different customer
2 programs that are coming along that are asking for different
3 questions, coming for onsite audits, things of that nature.
4 So I would say the documentation and paperwork definitely has
5 increased over the past 30 years.

6 Q. Have there been environmental regulations as well?

7 A. Yes. Yes. So different states, but basically, if you're
8 going to keep a lot of animals in one area in agriculture,
9 obviously they want to make sure that the waste, the manure
10 that's produced is handled in a -- in an efficient manner and
11 that you have storage on-site that can handle large volumes
12 and that you're selling it or applying it to land under
13 certain agronomic rates that are approved.

14 Q. And what about permitting, has that changed between the
15 '90s and the 2000s?

16 A. Yes. Permitting used to be a little bit more standard,
17 especially if you're going to add a house to an existing farm
18 site. And notification process, to neighboring affected
19 landowners, they already knew what was going on there, to our
20 new farm site that we did in North Carolina at Hyde County.
21 It took a couple of years just to get through all of the
22 proper hoops to get the right permits to be able to start
23 there.

24 Q. And you didn't experience such obstacles in the '90s?

25 A. Not to that extent, no.

1 Q. Okay. And what about the customer involvement in
2 production, has that changed again between the '90s and the
3 2000s?

4 A. Yes.

5 Q. In what way?

6 A. We would occasionally get inquiries from sales on
7 different practices we were doing, or if they could have a
8 customer stop by and look at the processing area where the
9 eggs were packed and washed -- washed and packed, pardon me,
10 and up into the layer houses to look at the -- where the birds
11 were housed to depending on the size of the customer and what
12 their -- what their programs are, we have several that we keep
13 track of.

14 MR. LEVINE: Your Honor, I'm moving on to a
15 different topic.

16 THE COURT: Then why don't we take that as a signal
17 that it's time to take a bit of a break overnight, just so
18 that everybody can get on their way safely to their homes
19 where we hope that, once again, that you have a very pleasant
20 evening with friends and family. Don't talk about the case,
21 do any research. We continue to be a bit ahead of schedule,
22 and that means to stay on that trajectory, see you tomorrow at
23 9:30.

24 THE DEPUTY CLERK: All rise.

25 (Jury out.)